

94TH GENERAL ASSEMBLY**State of Illinois****2005 and 2006****SB1490**

Introduced 2/23/2005, by Sen. Martin A. Sandoval

SYNOPSIS AS INTRODUCED:

New Act

Creates the Opportunity Scholarship Act. Establishes the Opportunity Scholarship Program. Provides that the Executive Director of the Illinois Student Assistance Commission shall oversee the creation, operation, effectiveness, and adjustment of the scholarship program. Provides that a student is eligible for a scholarship if he or she has graduated from high school with a cumulative average grade of a "B" or greater, has received a composite score on the ACT of at least 24 or a combined verbal and mathematics score on the SAT of at least 1070, has completed a certain number of high school courses in specified subjects, and attends a participating university, college, or technical school. Provides for other initial eligibility requirements, course load, persistence, and grade point requirements for continuing eligibility, treatment of special enrollments, transfer among participating institutions, equivalencies, grievance procedures, and institutional agreements. Program. Provides that the Executive Director of the Illinois Student Assistance Commission shall oversee the creation, operation, effectiveness, and adjustment of the scholarship program. Provides that a student is eligible for a scholarship if he or she has graduated from high school with a cumulative average grade of a "B" or greater, has received a composite score on the ACT of at least 24 or a combined verbal and mathematics score on the SAT of at least 1070, has completed a certain number of high school courses in specified subjects, and attends a participating university, college, or technical school. Provides for other eligibility requirements, course load, persistence, and grade point requirements for continuing eligibility, treatment of special enrollments, transfer among participating institutions, equivalencies, grievance procedures, and institutional agreements. Effective July 1, 2005.

LRB094 10926 NHT 41495 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Opportunity Scholarship Act.

6 Section 5. Definitions. In this Act:

7 "Commission" means the Illinois Student Assistance
8 Commission.

9 "Credit hour" means the unit of measure employed by an
10 institution to track progress towards degree completion. Only
11 units that satisfy graduation requirements under institutional
12 rules may be recognized as credit hours under this Act.

13 "Cumulative grade point average" the grade point average
14 based upon the numeric grades or their letter equivalents for
15 all credits earned by the student. For purposes of continuing
16 eligibility, the cumulative grade point average is the average
17 of grades assigned in courses attempted after admission to the
18 scholarship program, with the exception of courses for which no
19 credit hours would be awarded by the participating institution
20 that enrolled the student as a regular student.

21 "Executive director" means the Executive Director of the
22 Illinois Student Assistance Commission.

23 "Full-time attendance" means enrollment in a participating
24 institution as a regular student for at least 15 semester
25 credit hours.

26 "High school" means an "approved high school" as defined in
27 Section 10 of the Higher Education Student Assistance Act.

28 "Institution" means any university, college, or technical
29 school that is accredited by a regional accrediting agency, or,
30 in the case of institutions located outside the United States
31 of America, any university, college, or technical school
32 recognized by governmental authorities as adhering to

1 comparable quality standards in matters of curriculum,
2 resources, and business practices.

3 "On a 4.0 scale" means the numeric designation of grade
4 equivalencies shown on the following conversion table:

5 Letter Grade = Grade Point:

6 A or A+ = 4.00

7 A- = 3.66

8 B+ = 3.33

9 B = 3.00

10 B- = 2.66

11 C+ = 2.33

12 C = 2.00

13 C- = 1.67

14 D+ = 1.33

15 D = 1.00

16 D- = 0.67

17 F = 0.00

18 "Participating institution" means any university, college,
19 or technical school that is accredited by the North Central
20 Association of Colleges and Schools providing instruction from
21 a campus located in this State and that executes an agreement
22 pursuant to this Act.

23 "Regular student" means a person who is enrolled or
24 accepted for enrollment at an institution for the purpose of
25 obtaining a degree, certificate, or other recognized
26 educational credential offered by that institution.

27 "Scholarship" means any grant-in-aid awarded pursuant to
28 this Act.

29 "Scholarship program" means the Opportunity Scholarship
30 program established to allow this State's most academically
31 accomplished high school graduates to receive an affordable
32 education at any participating institution.

33 "Student" means any person who has not received a
34 baccalaureate, associate, or associate of applied science

1 degree or a diploma or certificate, however named, that
2 signifies completion of a technical program.

3 Section 10. Program created; duties of Executive Director.
4 These is established the Opportunity Scholarship Program. The
5 awarding of scholarships shall begin with the 2006-2007
6 academic year. The Executive Director of the Commission shall
7 oversee the creation, operation, effectiveness, and adjustment
8 of the scholarship program. To these ends, the Commission may
9 delegate functions, appoint assistants, or contract for
10 services to ensure the prudent and efficient operation of the
11 program. The executive director shall do all of the following:

12 (1) Develop all terms, conditions, and required forms
13 or contracts for the scholarship program.

14 (2) Prorate available appropriations if the
15 appropriations are insufficient to permit each participant
16 to receive a full scholarship payment.

17 (3) Transfer funds on October 15 or the first working
18 day thereafter and March 15 or the first working day
19 thereafter to participating institutions to cover
20 scholarship awards for each participating regular student
21 whose eligibility for benefits under the scholarship
22 program has been verified by the participating
23 institution.

24 The Commission may adopt any rules necessary to carry out
25 its responsibilities under this Act.

26 Section 15. Initial eligibility requirements. In order to
27 be eligible to receive a scholarship, a student must meet all
28 of the following qualifications:

29 (1) Have graduated from high school with a cumulative
30 average grade of a "B" (3.0 on a 4.0 scale) or greater for
31 all work attempted.

32 (2) Be a resident of this State at the time of
33 graduation from high school.

34 (3) Have taken the test administered by the American

1 College Testing Program (ACT) or the Scholastic Assessment
2 Test (SAT) before graduating from high school.

3 (4) Have received a composite score on the ACT of at
4 least 24 or a combined verbal and mathematics score on the
5 SAT of at least 1070.

6 (5) Have completed the required number of high school
7 courses in all of the following subjects:

8 (A) Four units of English (courses designed with a
9 major emphasis upon grammar, composition, or literary
10 analysis). One year of debate instruction may be
11 included to meet this requirement.

12 (B) Four units of algebra or higher mathematics
13 (algebra, geometry, trigonometry, or other advanced
14 mathematics, including accelerated or honors
15 mathematics (algebra) provided at the 8th grade
16 level). Arithmetic, business, consumer, or general
17 mathematics, or other similar courses, are not
18 included.

19 (C) Four units of science, including 3 units of
20 approved laboratory science (courses in biology,
21 chemistry, or physics in which at least one regular
22 laboratory period is scheduled each week). Accelerated
23 or honors science (biology, physics, or chemistry)
24 provided in the 8th grade are acceptable. Qualifying
25 physical science or earth science courses, with lab,
26 may be accepted on a case-by-case basis.

27 (D) Three units of social studies (history,
28 economics, sociology, geography, United States or
29 Illinois government, American Problems, and similar
30 courses).

31 (E) Two units of a modern or classical language,
32 including American Sign Language. The 2 units must be
33 in the same language.

34 (F) One unit of fine arts (art, theatre, or music),
35 except that, for students who are graduating from an
36 Illinois high school during the 2005-2006 school year,

1 one-half of a unit of art, theatre, or music is
2 required. Such credit may be in appreciation,
3 analysis, or performance.

4 (G) One half unit of computer science. Students
5 must have basic keyboarding skills, experience in
6 using computer word processing, database, and
7 spreadsheet packages, and experience in using the
8 Internet or other wide area networks.

9 Any course in which a student received a final grade below
10 a "C" (2.0 on a 4.0 scale) may not be counted for purposes
11 of this subdivision (5). If a student who receives
12 disqualifying grades in courses required under this
13 subdivision (5) retakes those courses while in high school,
14 the student may still qualify for eligibility if the
15 student has the required number of courses with a grade of
16 "C" or above in each subcategory.

17 (6) Attend a participating institution.

18 (7) Enter into the scholarship program within 5 years
19 of the date of graduation from high school. A student who
20 entered active military duty immediately after the date of
21 graduation from high school may qualify for the scholarship
22 if the student's release from military service occurs
23 within 5 years from the student's graduation and the
24 student enters the scholarship program within one year of
25 the student's release from active military duty.

26 Section 20. Loss of eligibility due to attendance outside
27 this State. A student is not eligible for the scholarship
28 program if the student attends full time at an institution
29 located outside this State for one or more semesters or
30 quarters. Full-time enrollment in a distance education program
31 offered by an institution located outside this State
32 constitutes attendance outside this State for purpose of this
33 Section. A student enrolled in an institution outside this
34 State is deemed to attend full time if the student carries a
35 full-time academic workload as determined by the institution

1 under a standard applicable to all students enrolled in a
2 particular educational program. The student's workload may
3 include any combination of courses, work, research, or special
4 studies that the institution considers sufficient to classify
5 the student as a full-time student.

6 Section 25. Exceptions to attendance restrictions.
7 Notwithstanding the provisions of Section 20 of this Act,
8 full-time attendance at an institution located outside this
9 State is permitted in any of the following circumstances:

10 (1) If the attendance occurs during a summer term or an
11 interim term.

12 (2) If the attendance occurs as part of a formal
13 exchange program sponsored or approved by the
14 participating institution where the student is enrolled as
15 a regular student.

16 (3) If the participating institution where the student
17 is enrolled as a regular student has outsourced a portion
18 of its curriculum to an out-of-state institution and the
19 attendance occurs in completing that portion of the
20 curriculum.

21 (4) If the executive director has granted an exception
22 for good cause shown.

23 Section 30. Course load requirements for continuing
24 eligibility. Each student in the scholarship program must
25 attempt and complete 15 semester credit hours of instruction
26 each semester in courses in which instructors assign letter
27 grades or their numeric equivalent. Failure to complete the
28 required number of courses disqualifies the student from
29 further participation in the program, effective at the end of
30 the semester in which the student fails to complete 15 semester
31 credit hours. Disqualification is subject to all of the
32 following exceptions:

33 (1) A student who is enrolled as a regular student at a
34 participating institution located in this State may use

1 distance education courses or transferable courses offered
2 by other institutions to satisfy the 15 semester hours of
3 instruction requirement if such credits are accepted by the
4 participating institution that has enrolled him or her as a
5 regular student.

6 (2) A student may petition the executive director to be
7 excused from strict compliance with this Section during
8 semesters in which the student participates in
9 institutionally sponsored or approved exchange programs,
10 internships, or similar structured, supervised,
11 credit-bearing learning experiences that preclude
12 enrollment in the participating institution's standard
13 curriculum.

14 (3) A student who fails to complete 15 semester hours
15 of instruction because the student must report for active
16 military service does not thereby lose his or her
17 eligibility.

18 (4) The executive director may waive the requirement to
19 complete 15 credit hours of instruction per semester for
20 good cause shown and may place such conditions upon the
21 waiver as may be necessary and prudent to achieve the
22 objectives of the scholarship program.

23 Section 35. Persistence requirements for continuing
24 eligibility. Upon entering the scholarship program, each
25 student shall maintain continuous attendance, enrolling in
26 consecutive spring and fall terms, subject to all of the
27 following exceptions:

28 (1) A student may petition the executive director to be
29 excused from strict compliance with this Section during
30 semesters in which the student participates in
31 institutionally sponsored or approved exchange programs,
32 internships, or similar structured, supervised,
33 credit-bearing learning experiences that preclude
34 enrollment in the participating institution's standard
35 curriculum.

1 (2) A student who fails to complete continuous
2 enrollment requirements because the student must report
3 for active military service will not thereby lose his or
4 her eligibility.

5 (3) The executive director may waive continuous
6 enrollment requirements for good cause shown and may place
7 such conditions upon the waiver as may be necessary and
8 prudent to achieve the objectives of the scholarship
9 program.

10 Section 40. Grade point requirements for continuing
11 eligibility. Numeric grades or their letter equivalents must be
12 assigned for each credit hour that each student attempts and
13 completes after admission into the scholarship program. Each
14 student must maintain a cumulative grade point average for all
15 credit hours completed of at least 3.0 on a 4.0 scale to remain
16 eligible to receive benefits under the scholarship program.

17 Section 45. Payment of benefits to students participating
18 in the scholarship program. Upon a student's admission to the
19 scholarship program, the executive director shall make
20 scholarship payments for the benefit of the student who
21 complies with course load requirements for 2 consecutive
22 semesters without regard to the student's grade point average.
23 Thereafter, payments may only be made if the student complies
24 with the course load and persistence requirements and if the
25 student's cumulative grade point average for all coursework
26 completed is at least 3.0 on a 4.0 scale. The executive
27 director shall make the payments each semester for each student
28 whose compliance with course load, persistence, grade point,
29 and proficiency examinations has been verified by the
30 participating institution that enrolls the student as a regular
31 student. No payment may be made on behalf of any student who
32 fails to comply with course load, persistence, cumulative grade
33 point, and proficiency examinations or whose compliance has not
34 been verified by the participating institution that enrolls the

1 student as a regular student.

2 Section 50. Reinstatement of eligibility lost due to
3 failure to maintain grade point average. Any student who loses
4 eligibility because the student's cumulative grade point
5 average falls below 3.0 on a 4.0 scale may reestablish
6 eligibility by raising the cumulative grade point average to
7 3.0 or greater on a 4.0 scale and complying with all
8 requirements for continued eligibility relating to course
9 load, persistence, and proficiency examinations. All of the
10 following requirements related to reinstatement also apply:

11 (1) The student must apply to the participating
12 institution the student attends as a regular student for
13 reinstatement of eligibility.

14 (2) After verification by the participating
15 institution where the student attends as a regular student
16 that the student qualifies for reinstatement, the
17 executive director shall disburse payments on behalf of the
18 student for the term following that in which reinstatement
19 is earned and for all subsequent terms during which the
20 student remains eligible.

21 (3) Any student who loses eligibility a second time may
22 not be reinstated a second time.

23 Section 55. Treatment of special enrollments for purposes
24 of eligibility All of the following conditions for purposes of
25 eligibility apply to special enrollments:

26 (1) A student may enroll for more than 15 credit hours
27 in a semester. If the student completes 15 credit hours per
28 semester, the student is in compliance with course load
29 requirements even if the student drops an extra course.
30 Enrollment for additional credit hours does not diminish
31 the requirement to attempt and to complete 15 semester
32 credit hours in any subsequent semester. Grades assigned in
33 extra courses are counted as part of the student's
34 cumulative grade point average.

1 (2) Credit hours completed during summer sessions or
2 interim sessions are counted as part of a student's
3 cumulative grade point average. Enrollment during summer
4 or interim sessions does not diminish the course load
5 requirement to attempt and to complete 15 semester credit
6 hours in each fall and spring semester, nor does attendance
7 at such sessions excuse compliance with persistence
8 requirements.

9 (3) A student who fails to maintain the required
10 cumulative grade point average may repeat courses as part
11 of the student's effort to secure reinstatement of
12 scholarship benefits eligibility under Section 40 of this
13 Act. A student who takes a repeated course during a fall or
14 spring semester may not count those credit hours for
15 purposes of compliance with the course load requirement.
16 Upon completion of the repeated course, the grade assigned
17 in the repeated course replaces that assigned in the
18 original course for purposes of calculating the cumulative
19 grade point average.

20 (4) Asynchronous distance education courses are
21 recognized for purposes of course load and persistence
22 requirements in the semester in which the student completes
23 the course. Credit hours completed through asynchronous
24 distance education courses are included in the calculation
25 of cumulative grade point averages.

26 (5) With respect to internships and similar external
27 placements that affect load or grade assignment, a
28 participating institution may request that the executive
29 director issue standing limited exemptions from course
30 load and grade point requirements established under
31 Sections 30 and 40, respectively, where institutional
32 policy requires participating students to take a reduced
33 course load during the semester in which an internship
34 occurs or requires grading on a pass-fail or similar
35 grading system.

1 Section 60. Transfer among participating institutions. A
2 student may transfer among participating institutions without
3 losing eligibility if the student makes timely application to
4 transfer and documents continued compliance with course load,
5 persistence, grade point, and proficiency examination
6 requirements.

7 Section 65. Equivalencies. For any requirement in this Act
8 that is stated in terms of semester, semester credit hours,
9 grade point averages, or other technical terms commonly
10 employed by institutions of higher education, the executive
11 director shall establish an equivalency to determine the
12 initial and continued eligibility of each student who attends
13 an institution that uses an alternative calendar, grade system,
14 or other means of tracking academic progress and
15 accomplishment. The equivalency standards shall be used to
16 ensure equal treatment of each student who attends an
17 institution that uses an alternative system.

18 Section 70. Application for admission to the scholarship
19 program or for transfer between participating institutions.
20 All of the following application and transfer requirements
21 apply to the scholarship program:

22 (1) Any student who requests to participate in the
23 scholarship program must apply to the admissions office of
24 the participating institution that the student intends to
25 attend. The executive director shall specify the
26 application forms.

27 (A) Each student is responsible for arranging the
28 submission of official high school transcripts and
29 official test score reports from the ACT or SAT unless
30 the high school includes these scores on its official
31 transcript.

32 (B) An application is not complete until the
33 participating institution has received the official
34 high school transcripts and official test reports.

1 (C) Each application must be complete by September
2 1 for the fall semester or by January 1 for the spring
3 semester.

4 (2) Each student who requests to transfer between
5 participating institutions must apply to the admissions
6 office of the participating institution that the student
7 intends to attend on forms specified by the executive
8 director.

9 (A) Each student is responsible for arranging the
10 submission of all official transcripts and documents
11 needed to demonstrate compliance with course load,
12 persistence, grade point, and proficiency examination
13 requirements.

14 (B) An application is not complete until the
15 participating institution has received the official
16 transcripts and required documents.

17 (C) Each application must be complete by September
18 1 for the fall semester or by January 15 for the spring
19 semester.

20 (3) The executive director may waive the application
21 deadlines stated in this section for good cause shown.

22 Section 75. Tentative acceptance into the scholarship
23 program and tentative approval of continued eligibility for
24 transfer students. The participating institution shall notify
25 the prospective student whether it is likely that the student
26 will qualify to participate in the scholarship program. Notice
27 of final acceptance is given after receipt and review of a
28 final official transcript from the student's high school to
29 confirm satisfactory completion of all high school courses and
30 graduation.

31 The participating institution shall notify a transfer
32 student whether it is likely that the student will qualify to
33 participate in the scholarship program. Notice of final
34 acceptance must be given after receipt and review of all
35 official transcripts and documents submitted to demonstrate

1 compliance with course load, persistence, cumulative grade
2 point average, and proficiency examination requirements. In
3 calculating the cumulative grade point average, the
4 participating institution shall factor in all credit hours
5 attempted, completed, and transcribed by the participating
6 institution from which the student transferred, whether or not
7 the receiving institution otherwise accepts the credit hours
8 and counts them towards satisfaction of its degree
9 requirements.

10 Section 80. Agreement to conditions of the scholarship
11 program. Participation in the scholarship program is limited
12 to each student who abides by all conditions and requirements
13 of the program, including any requirements for cooperation and
14 release of information that the executive director may
15 prescribe to assess the operation and effectiveness of the
16 scholarship program or to audit program administration. Each
17 student shall also agree that if the student withdraws or
18 otherwise terminates enrollment and is entitled to a refund,
19 then the student authorizes the participating institution that
20 the student attends to pay to the executive director that
21 portion of the student's refund that reflects moneys received
22 by the participating institution from the scholarship program.

23 Section 85. Grievance procedures. The student shall be
24 permitted to bring a grievance to challenge institutional
25 actions involving the determination of eligibility to
26 participate in the scholarship program or of compliance with
27 program requirements. Grievances shall be limited to alleging
28 that a violation, misinterpretation, or misapplication of
29 specific terms or conditions of the laws or rules that govern
30 the program are arbitrary or capricious or discriminate on a
31 basis proscribed under law.

32 (1) Participating institutions shall establish
33 procedures to adjust grievances permitted under this
34 Section.

1 (2) Students may appeal institutional decisions to the
2 Commission, which, at its discretion, may accept the
3 grievance and conduct its own review or refer the grievance
4 to an independent hearing examiner for review and
5 recommendations concerning the proper resolution of
6 disputed legal or factual matters.

7 (3) Participating institutions shall comply with any
8 order issued to resolve a student grievance, subject to the
9 exercise of the right to appeal from the Commission's
10 resolution of the grievance as provided under law.

11 (4) Participating institutions shall be responsible
12 for all costs for hearing examiners retained by the
13 Commission to review such grievances or related expenses
14 reasonably incurred for such reviews.

15 Section 90. Institutional agreements. Any institution
16 that is accredited by the North Central Association of Colleges
17 and Schools and that provides instruction from a campus located
18 in this State may enter into a written agreement with the
19 Commission to permit its eligible regular students to
20 participate in the scholarship program. Until such an
21 institution has agreed to comply with the requirements of this
22 Act, the Commission may not recognize it as a participating
23 institution and no student enrolled at the institution as a
24 regular student may participate in the scholarship program. The
25 executive director shall develop a standard contract document
26 for execution by such institutions. The standard contract shall
27 obligate a participating institution, at a minimum, to do all
28 of the following:

29 (1) Comply with all requirements placed upon
30 participating institutions in this Act.

31 (2) Review existing institutional procedures and
32 policies and provide any special assistance that may be
33 necessary to permit students to comply with the scholarship
34 program requirements.

35 (3) Notify prospective students of the program's

1 availability and of procedures employed by the
2 participating institution to implement the program.

3 (4) Process student applications for each academic
4 term by distributing and collecting student applications
5 and verifying eligibility of applicants.

6 (5) Submit to the executive director a roster of its
7 eligible regular students on October 1 or the first working
8 day thereafter and on February 28 or the first working day
9 thereafter.

10 (6) Permit participating students to attend classes
11 without the obligation to make payment towards that portion
12 of tuition and fee charges that will be covered by
13 scholarship program funds and without any interest or
14 penalty if funds are disbursed after the time when tuition
15 and fee charges ordinarily accrue interest or penalties.

16 (7) Allocate funds transferred by the executive
17 director to the benefit of each eligible student
18 participating in the scholarship program.

19 (8) Document the application of all funds received.

20 (9) Administer the program under the same procedures
21 employed to administer other financial aid programs that
22 the participating institution offers to its students,
23 subject to such adjustments as may be needed to comply with
24 scholarship program requirements.

25 (10) Treat mid-semester withdrawals of program
26 participants in the same manner that the institution treats
27 withdrawal of students who receive federal financial aid,
28 prorating the aid allocable to the student based upon
29 active attendance and remitting to the Commission such sums
30 as have not been earned by the student prior to the last
31 day of attendance.

32 (11) Expedite the preparation of official transcripts
33 and other documentation required by participating students
34 who transfer to other participating institutions, unless,
35 under institutional policy, a transferring student is
36 ineligible for the release of academic records pending

1 settlement of outstanding debts to the institution.

2 (12) Cooperate with the executive director in all
3 matters relating to assessment of the operation and
4 effectiveness of the scholarship program.

5 (13) Cooperate with the executive director in all
6 matters relating to the audit of program administration.

7 (14) Provide prompt assistance to the executive
8 director in responding to legislative inquiries.

9 (15) Accept such amendments or modifications to the
10 standard contract terms as the executive director may
11 subsequently prescribe.

12 Section 99. Effective date. This Act takes effect July 1,
13 2005.